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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 24

Application Number: 08/913,803

Filing Date: 9/22/97

Appellant(s): Boccon-Gibod et al

Francis A. Davenport

For Appellant

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EXAMINER'S ANSWER

This is in response to the appeal brief filed 4/23/03.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

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The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 8-10&16-17 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CAR 1.192(c)(7).

(8) *ClaimsAppealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

6,091,886

Abecassis

7-2000

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 U.S.C. § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 of this title before the invention thereof by the applicant for patent.

2. Claims 8-10&16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Abecassis (US 6,091,886).

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Regarding claim 8, Abecassis teaches a video device for the automated selective retrieval of non-sequentially-stored video segments of a video program, from a single video program source, responsive to a viewer's preestablished video content preferences, and the transmission of the selected segments as a seamless video program comprising:

- a) means for storing a plurality of program records wherein each program record having a set of digitally encoded signal records representative of each program (see non-volatile resident memory 515, fixed or removable memory subsystem 503/504, a user's optical read/write access card or electronic memory card 505, or read/write video/data laser disc 501; col.14, lines 3-12; and col.19, line 54 to col. 20, line 9.) wherein viewer preferences are stored;
- b) means for linking the encoded signal records of each said set to one another at predetermined jump points for selecting reproduction from different ones of said set (see program source 501; col.13, lines 60-62 and col.9, lines 34-50) from which program identifiers are read and the program segments are linked;
- c) wherein each said set of digitally encoded signal records has records of differing sizes for reproducing at a plurality of speeds (see Fig.3A,3B,3C&3D; col.9, line 19 to col.10, line 46; col. 12 lines 52-65, and col. 25, lines 9-20), here Abecassis shows how a conventional program with differently rated segments, and how the conventional program is edited (modified or changed) by editing out unwanted segments, in order to produce a variable content program that forms a version of the program that suits a particular set of user preference program.

When a program is stored in a storage medium, the segments of the program are assigned segment identifiers and the frames of the are assigned frame numbers in their locations (addresses) in the recording

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medium. These addresses facilitate the reproduction process. During reproduction, the segment(s) with unwanted content(s) are skipped, thereby creating different versions of the same program. It, therefore, follows that the addresses for similar segments in the different versions of the program remain unchanged, even though they were skipped during reproduction.

Each version of the program segment is reproduced at different speed since, for example, each time a segment of a program is skipped, the remaining segments of the program are reproduced faster than the previous program before the single segment was skipped. If, on the other hand, two segments are skipped, the remaining program segments, less the two skipped segments, are reproduced even faster than when one segment was skipped or when no version was skipped, and so on. It is pertinent to point out that the reproduction rate, 30 frames per second, for example, for any version remains the same, even if the reproduction speed may change.

Regarding claim 9, Abecassis discloses wherein the predetermined jump points are grouped specific to transitions between similar temporal program events for reproduction at differing speeds (see Fig.3A,3B,3C&3D; col.9, line 19 to col.10, line 46), here Abecassis shows how a conventional program with differently rated segments, and how the conventional program is edited (modified or changed) by editing out unwanted segments, in order to produce a variable content program that forms a version of the program that suits a particular set of user preference program.

When a variable content program is produced, the addresses of the unwanted segments, which are to be skipped during playback, are identified so that these segments are not played during playback. Therefore, the jump points are the addresses to be skipped during playback. Also see Fig.8A,8B,8C&9.

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Regarding claim 10, Abecassis discloses wherein the predetermined jump points represent addresses of digital images within each said set which substantially correspond with one another (see claims 8&9 discussions, and col.24, line 55 to col.25, line 8).

Regarding claim 16, Abecassis teaches a video device for the automated selective retrieval of non-sequentially-stored video segments of a video program, from a single video program source, responsive to a viewer's preestablished video content preferences, and the transmission of the selected segments as a seamless video program comprising:

a) storage device having stored therein compressed program records, each program record containing multiple versions where each version of the multiple versions allows reproduction at a different play speed, and tables of predetermined temporally similar addresses within each version of each program record for selection between the different play speed records (see Fig.5; program source 501 and mass memory fixed storage device 503; col.13, line 60 to col.14, line 12; col.14, lines 13-23 and col.23, line 54 to col.24, line 54; and col.9, lines 35-50 and col.24, line 55 to col.25, line 19 which disclose processing different versions of the same program); here the claimed addresses within each version of each program are included in the code description for assigning appropriate segment content descriptors in Abecassis so that during the editing of the programs, frames containing different content descriptors can be added or dropped, as the viewer chooses; wherein each version of the multiple versions allows reproduction at a different play speed (see col.9, lines 35-50 and col.24, line 55 to col.25, line 19), and (see Fig.2B&2C, which show different tables, col.8, lines 38-49).

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Here, Abecassis discloses in Fig.2B an example of an element descriptive structure utilized to analyze the development of a number of elements such as character, location, time, degree of detail, and the level of expertise appropriate for the segment. In a similar manner, an individualized, tailored, and descriptive structure may be provided for any one category or group of categories. For example, Fig. 2C illustrates a descriptive structure utilized to classify segments according to a level of inclusion.

Each version of the program is reproduced at different speed since, for example, each time a segment of a program is skipped, the remaining segments of the program are reproduced faster than the previous program before the single segment was skipped. If, on the other hand, two segments are skipped, the remaining program segments, less the two skipped segments, are reproduced even faster than when one segment was skipped or when no version was skipped, and so on.

Speed equals distance/time, and speed is directly proportional to distance. Assuming time is constant, when distance is increased or reduced, speed is correspondingly increased or reduced. Here distance is equivalent to the amount of data in a program to be read. When portions of a program is skipped, there is less data in the program to be read, and therefore, there is a reduction in distance and there is corresponding reduction in speed, and when there is more data in a program to be read, then there is an increase in distance, and there is corresponding reduction in speed, and so on. It is pertinent to point out that the reproduction rate, 30 frames per second, for example, for any version remains the same, even if the reproduction speed may change.

b) transducing means for reproducing images from the compressed program records (see Fig.6; reading units 621-623; col.15, line 1 to col.16, line 10; also see col.20, lines 39-47);

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c) control means responsive to user program selection for selecting one of the program records, and in accordance with a play speed selection selecting one of the multiple versions, the control means being additionally responsive to user determined new play speed for reading the tables and generating predetermined addresses within another one of the multiple versions for transducing in correspondence with the user determined new play speed (see col.13, line 14 to col.14, line 23; here Abecassis discloses the process of editing out unwanted portions of a variable content program as requested by a viewer wherein frames are omitted and added to provide a continuous transparent edited version of any segment, thereby varying the final new reproduction speed which varies on the basis of the extent of the editing of the original program.

Regarding claim 17, the claimed limitation wherein images are reproduced from a time which precedes the preceding version is inherent in Abecassis since Abecassis has random access capability (see col.14, lines 24-44 and col.24, line 55 to col.25, line 8).

Allowable Subject Matter

3. Claim 12-14 are allowable over the prior art of record.
4. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 12, the invention relates to a method of reproducing digitally compressed video material provided at speeds other than at normal play speed.

The closest reference Abecassis (US 6,091,886) discloses a video device for the automated selective retrieval of non-sequentially-stored video segments of a video program, from a single video program source,

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responsive to a viewer's preestablished video content preferences, and the transmission of the selected segments as a seamless video program.

However, Abecassis fails to explicitly disclose an apparatus for reproducing video programs where the apparatus comprises wherein the linking means comprises N sets of tables, each set comprises $(N-1)$ tables of the predetermined jump points for each of N reproduction speeds.

(11) Response to Argument

In re pages 5-9, with reference to claim 8, appellant argues that Abecassis fails to disclose "means for storing a plurality of program records wherein each program record having a set of digitally encoded signal records representative of each program".

In response appellant is referred to at least column 19, line 54 to column 20, line 9. Here Abecassis discloses a mass storage random access memory devices for storing a plurality of variable content programs and a plurality of program segment maps each defining segments of a corresponding video program. And in column 8, lines 7-15 Abecassis discloses that each program is defined into segments, the beginning frame and end frame in each of the relevant segments is identified, the segment content is assigned a category descriptor, and logical entry and exit references are assigned. The resulting segment definition is mapped and the required user interface produced. The program segment map, any user interface routines particular to the program, and player control codes, if required, are provided with the information comprising the programs video and sound.

Further appellant argues that Abecassis fails to disclose "... means for linking the encoded signal records of each said set to one another at predetermined jump points for selecting reproduction from different ones of said set..."

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In response, appellant is referred to at least col.9, lines 34-50, column 14, lines 13-24 and col.15, lines 1-12 wherein Abecassis discloses the linking of the transitional segments of a program which includes the beginning and end frame of each segment of a program, and the generation of a segment table reflecting the application of the viewer's preferences to the video program's content map. The segment table provides the control program's segment scheduling routines the information to the automated logical selection of sequential and non-sequential segments of the video program responsive to program segment map, the viewer's preferences, and the logic of the gaming software, where applicable.

Appellant argues that Abecassis makes no mention or suggestion of reproducing of programs at a plurality of speeds.

In response, appellant is referred to at least column 12 lines 52-65, and column 25, lines 9-20, wherein Abecassis discloses segment skipping control using skip keys. The skipping control is used to skip frames containing portions of a program a viewer does not desire to watch, for example, and the portions to be skipped are properly identified. The skipping of frames containing portions of a program a viewer does not want to watch changes the reproduction speed of a program. The access frame rate is not changed, 30 fps, for example, but the reproduction speed is changed/increased when portions of a program are skipped. It is very similar to the skipping of frames in trick play to increase or vary the speed of the reproduction speed of a program.

From the above examiner responses, it is quite clear that Abecassis discloses the claimed limitations of claim 8.

In re pages 9-10, with reference to claim 9, examiner's response to appellant's arguments with respect to claim 8 above accommodates appellant's argument with respect to claim 9.

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In re pages 10-11, with reference to claim 10, appellant argues that Abecassis lacks applicant's sets and that Abecassis is without substantially corresponding digital images to jump between.

In response, appellant is referred to the limitations of claim 10, thus "... wherein said predetermined jump points represent addresses of digital images within each set which substantially correspond to one another. As discussed in claim 8 above, appellant is referred to at least column 12 lines 52-65, and column 25, lines 9-20, wherein Abecassis discloses segment skipping control using skip keys. The skipping control is used to skip frames containing portions of a program a viewer does not desire to watch, for example, and the portions to be skipped are properly identified. The skipping of frames containing portions of a program a viewer does not want to watch is performed functional to skip locations (jump points) in the program. Also, in column 24, line 55 to column 25, line 8 wherein Abecassis discloses wherein a program contains more than one version (set), the adult ("R") version and child ("G") version. To play a particular version, some portions of the program are skipped

In re pages 11-15, with reference to claim 16, examiner's response to appellant's arguments with respect to claims 8&10 above accommodates appellant's argument with respect to claim 16.

In re pages 15-16, with reference to claim 17, appellant argues that Abecassis fails to disclose wherein the images are reproduced from a time which precedes the preceding version.

In response, appellant is referred to column 24, line 55 to column 25, line 8 wherein Abecassis discloses wherein a program contains more than one version (set), the adult ("R") version and child ("G") version. To play particular versions, some portions in properly defined storage addresses of the program are skipped., and to skip certain portions, some similar addresses are clearly skipped.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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July 11, 2003

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